

### **Resolution #TC-15-6-3**

Open Rule Making and Delegate Authority to an Administrative Hearing Officer to Conduct a Hearing Regarding Amendments to the Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads ("OSOW Rules"), 2 CCR 601-4.

### **Approved by the Transportation Commission on June 18, 2015**

**WHEREAS**, § 42-4-510(1)(b)(I), § 42-4-510(1.7)(B)(II)(B), § 42-4-511(1) and § 43-1-106(8)(k) C.R.S. authorize the Transportation Commission of Colorado ("Commission") to promulgate rules regarding permits for extra-legal vehicles or loads; and

**WHEREAS**, the proposed amendments to the OSOW Rules are based on changes to Auxiliary Power Unit ("APU") requirements from a change in weight made in MAP-21 (23 U.S.C. 127) increasing it from 400 to 550 pounds; and

**WHEREAS**, additional changes are based on statutory changes resulting from HB14-1160, codified at § 42-4-510(11)(a)(VII)(D), C.R.S., which created a new annual fleet permit for non-interstate overweight divisible loads pertaining to power units utilizing a trailer with two or three axles; and

**WHEREAS**, the Department seeks to clarify height restrictions in § 42-4-504(1), C.R.S., by providing information to motor carriers where the low structures are located in the state rather than where clearances are in excess of 13 feet in height (up to 14 feet six inches in height); and

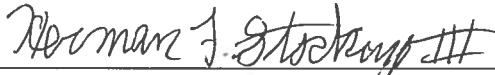
**WHEREAS**, the proposed amendments incorporate processes for CDOT's electronic permitting system for oversize and overweight vehicles; and

**WHEREAS**, the Commission has the authority to delegate authority to an Administrative Hearing Officer for the purposes of conducting a rule-making hearing, making a complete procedural record of the hearing, and submitting that record and any recommendations to the Commission for its review and action concerning amendment to the Rules; and

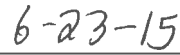
**WHEREAS**, proposed amendments of the Rules further effectuate Governor Hickenlooper's Executive Order 2012-002, which directs all state agencies to review and update any existing rules to confirm that they are effective, efficient and essential; and

**NOW THEREFORE BE IT RESOLVED**, the Commission opens the rule-making process and authorizes staff to take all necessary actions in accordance with the State Administrative Procedure Act for the purpose of amending the Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads, 2 CCR 601-4.

**BE IT FURTHER RESOLVED**, the Commission delegates its authority to conduct the public rulemaking hearing to a CDOT Administrative Hearing Officer to prepare a complete record of the hearing and provide the rule-making record, findings, and the proposed amendments to the Rules to the Commission for consideration and adoption.



Herman Stockinger, Secretary  
Transportation Commission of Colorado



Date